

STATE OF SOUTH DAKOTA )  
COUNTY OF SHANNON ) SS

IN CIRCUIT COURT  
SEVENTH JUDICIAL CIRCUIT

TAMARA STAR COMES OUT, a/k/a  
TAMARA STAR,

Plaintiff,

vs.

MOHAMMAD AHSAN, and VISTA  
STAFFING SOLUTIONS, INC.,

Defendants.

CIVIL NO. 05-\_\_\_\_\_

**SUMMONS**

**Process Services of Utah, LLC**  
**PI #: G101057**

Received: 7/24/05  
Served: Carolyn Rose  
Address: 675 E 2100 S #350  
Date Served: 8/8/05  
PSOU Server: Alvin Adams

TO THE ABOVE NAMED DEFENDANT

You are hereby summoned and required to answer the Verified Complaint of the above-named Plaintiff, a copy of which is hereto annexed and herewith served upon you, and to serve a copy of your Answer on the subscriber at his office at 4200 Beach Dr., Suite 1, P.O. Box 9335, Rapid City, SD 57709, within thirty (30) days after service of this Summons upon you, exclusive of the day of service, and if you fail to answer within said time, judgment by default may be rendered against you for the relief requested in the Complaint.

Dated this 22 day of July, 2005.

BARKER, WILSON, REYNOLDS & BURKE, LLP

BY: Mike Wilson

Michael A. Wilson  
Attorney for Plaintiff  
4200 Beach Dr., Suite 1  
P.O. Box 9335  
Rapid City, SD 57709-9335  
(605) 718-8000

**EXHIBIT**

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Defendants.

CIVIL NO. 05-\_\_\_\_\_

**VERIFIED COMPLAINT**

COMES NOW the Plaintiff, and for her Complaint against the Defendants, states and alleged under oath as follows:

1.

Plaintiff is a resident of the state of South Dakota.

2.

Defendant Ahsan was employed at the IHS Hospital in Pine Ridge on or about November 24, 2004.

3.

On November 24, 2004, Plaintiff went to the IHS Hospital for medical treatment for abdominal pain.

4.

The Plaintiff was directed to an examination room and encountered Defendant Ahsan.

5.

During the examination, the Defendant Ahsan pulled Plaintiff's blouse up over her breasts and touched her breasts. Defendant Ahsan also rubbed the nipple of Plaintiff's breast between his fingers. During this time, Defendant Ahsan asked Plaintiff

whether she was married and whether she had children. After Defendant Ahsan had touched her breasts, he asked Plaintiff whether she would come back to see him.

6.

After this encounter with Defendant Ahsan, and as its result, Plaintiff was very disturbed and upset, she felt like crying and felt "dirty," and had difficulty sleeping and had intrusive thoughts about the incident.

7.

The physical touching by Defendant Ahsan was not related to any legitimate medical purpose, nor was it necessary for treatment or diagnosis of Plaintiff.

8.

The acts and omissions of Defendant Ahsan were committed with malice, and intentionally or by willful and wanton misconduct, in disregard of humanity.

9.

Defendant VISTA Staffing Solutions, Inc., is a foreign corporation and provided Defendant Ahsan to the IHS Hospital as a locum tenens physician.

### **COUNT ONE**

### **BATTERY**

10.

Plaintiff incorporates the allegations contained within paragraphs 1 through 9 above as though specifically set forth herein.

11.

The Defendant Ahsan intentionally caused a harmful and offensive contact with the person of the Plaintiff, which was committed without the consent of the Plaintiff.

12.

As a proximate result of the battery of the Defendant Ahsan, Plaintiff suffered mental distress and anguish and humiliation, and will likely continue to suffer such mental distress, anguish and humiliation in the future.

13.

Plaintiff's mental distress has been manifested by sleeplessness, nervousness and anxiety, intrusive thoughts, nightmares, nausea and upset stomach, loss of appetite, and tears.

### **COUNT TWO**

#### **INTENTIONAL INFLICTION OF MENTAL DISTRESS**

14.

Plaintiff incorporates the allegations contained within paragraphs 1 through 13 above as though specifically set forth herein.

15.

The Defendant Ahsan, by extreme and outrageous conduct, acted intentionally or recklessly to cause the Plaintiff severe emotional distress, which conduct in fact caused the Plaintiff's severe distress, and the Plaintiff suffered an extreme, disabling emotional response to the Defendant Ahsan's conduct.

### **COUNT THREE**

#### **NEGLIGENCE OF VISTA STAFFING SOLUTIONS, INC.**

16.

Plaintiff incorporates the allegations contained within paragraphs 1 through 15 above as though specifically set forth herein.

17.

Defendant VISTA Staffing Solutions, Inc., was negligent in the manner in which it selected Defendant Ahsan for locum tenens service as a physician, in the manner in which it supervised and retained Defendant Ahsan, and in the manner in which it failed to terminate Defendant Ahsan's services as a locum tenens physician.

18.

Defendant VISTA Staffing Solutions, Inc., negligently misrepresented the fitness of Defendant Ahsan for locum tenens service as a physician.

19.

As a proximate result of the negligence of Defendant VISTA Staffing Solutions, Inc., the Plaintiff sustained injury and damage as described herein.

#### **COUNT FOUR**

##### **VICARIOUS LIABILITY OF VISTA STAFFING SOLUTIONS, INC.**

20.

Plaintiff incorporates the allegations contained within paragraphs 1 through 19 above as though specifically set forth herein.

21.

The wrongful conduct of Defendant Ahsan was committed in the course and scope of his work as a locum tenens physician provided by VISTA Staffing Solutions, Inc.

22.

The Defendant Ahsan was unfit to provide services as a locum tenens physician.

23.

Defendant VISTA Staffing Solutions, Inc., was reckless in the manner in which it appointed, supervised, retained and failed to terminate Defendant Ahsan as a locum tenens physician at the IHS Hospital.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For compensatory damages against both Defendants in an amount to be determined at trial;
2. For an award of punitive damages against both Defendants in an amount to be determined at trial; and
3. For Plaintiff's disbursements and for such other and further relief as is deemed equitable in the premises.

Dated this 13 day of July, 2005.

BARKER, WILSON, REYNOLDS & BURKE, LLP

BY: Mike Wilson

Michael A. Wilson  
Attorney for Plaintiff  
4200 Beach Dr., Suite 1  
P.O. Box 9335  
Rapid City, SD 57709-9335  
(605) 718-8000

**A JURY TRIAL IS HEREBY DEMANDED BY PLAINTIFF.**

**VERIFICATION**

I, Tamara Star Comes Out, a/k/a Tamara Star, hereby verify and affirm that the facts set forth in the foregoing Verified Complaint are true and accurate, to the best of my knowledge, information, and belief.

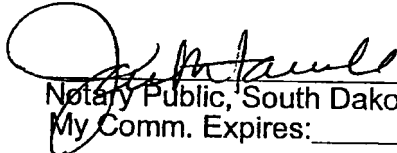
Tamara Star Comes Out  
Tamara Star Comes Out,  
a/k/a Tamara Star

State of South Dakota        }  
County of Pennington        } ss.

On this the 17<sup>th</sup> day of July, 2005, before me the undersigned officer, personally appeared Tamara Star Comes Out, a/k/a Tamara Star known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

  
\_\_\_\_\_  
Notary Public, South Dakota  
My Comm. Expires: \_\_\_\_\_

Jane Farrell  
Notary Public  
My Commission Expires  
September 17, 2010